

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRUCE ALLEN MYERS,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-23102

DIANE ANDREWS,

Defendant.

ORDER

This petition for habeas corpus relief under 28 U.S.C. § 2254 [Docket 1] was filed on September 16, 2013. This petition was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court dismiss the habeas petition [Docket 1], without prejudice, for lack of subject matter jurisdiction.

A district court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

The petitioner's objections to the Magistrate Judge's proposed findings and recommendation were due on or before October 21, 2013. On October 29, 2013, the petitioner filed additional documentation in support of his petition for habeas relief [Docket 4]. The briefing appears to set forth additional facts in support of his claim of actual innocence and describes the current conditions of his confinement. However, the petition does not address the crux of the Magistrate Judge's finding—whether the petitioner, who was convicted and is currently confined in the State of Florida, may seek a writ of habeas corpus in the Southern District of West Virginia. Accordingly, I do not construe this briefing as an objection to the Magistrate Judge's proposed findings and recommendation.

"*De novo* review is not required or necessary when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." *Howard's Yellow Cabs, Inc. v. United States*, 987 F. Supp. 469, 474 (W.D.N.C. 1997) (citing *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). Finding that the parties have not filed specific objections, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. The court accordingly **DISMISSES** the petitioner's habeas petition [Docket 1] without prejudice and **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 1, 2014